



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Zauderer, M.

Appl. No. 10/034,350

Filed: January 3, 2002

For: **Methods of Selecting
Polynucleotides Encoding Antigens**

Confirmation No. 7983

Art Unit: 1644

Examiner: DeCloux, A.

Atty. Docket: 1821.0010002/EKS/HCC

Information Disclosure Statement

Commissioner for Patents
Washington, D.C. 20231

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. A copy of each document is provided.

The Examiner's attention is directed to the following co-pending U.S. Patent Application, which is directed to related technical subject matter:

U.S. Patent Application No. 08/935,377, filed September 22, 1997, and submitted herewith as document AS16.

U.S. Patent Application No. 10/277,161, filed October 22, 2002, and submitted herewith as document AT16.

The identification of this U.S. Patent Application is not to be construed as a waiver of secrecy as to this application now or upon issuance of the present application as a patent. The Examiner is respectfully requested to consider the cited application and the art cited therein during examination.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicant has listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates

should not be construed as an admission that the information was actually published on the date indicated.

Applicant reserves the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits. No statement or fee is required.

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Helene C. Carlson
Agent for Applicants
Registration No. 47,473

Date: _____

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Suite 600
Washington, D.C. 20005-3934
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Maurice ZAUDERER

Appl. No. 10/034,350

Filed: January 3, 2002

For: **Methods of Selecting
Polynucleotides Encoding
Antigens**

Confirmation No. 7983

Art Unit: 1644

Examiner: VanderVegt, F.P.

Atty. Docket: 1821.0010002/EKS/HCC

First Supplemental Information Disclosure Statement

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. The numbering on this First Supplemental Information Disclosure Statement is a continuation of the numbering in Applicant's Information Disclosure Statement filed on May 23, 2003, in connection with the above-captioned application. A copy of each document is also provided.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicant has listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicant reserves the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

This First Supplemental Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection, or Notice of Allowance, or an action that otherwise closes prosecution in the application.

Attached is our PTO-2038 Credit Card Payment Form in the amount of \$180.00 in payment of the fee under 37 C.F.R. § 1.17(p).

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Helene C. Carlson
Agent for Applicant
Registration No. 47,473

Date: 10/17/03
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Washington, D.C. 20005-3934
(202) 371-2600



FORM PTO-1449 <u>INFORMATION DISCLOSURE STATEMENT</u>	ATTY. DOCKET NO. 1821.0010002/EKS/HCC	APPLICATION NO. 10/034,350
	APPLICANT Zauderer, M.	
	FILING DATE January 3, 2002	GROUP 1644

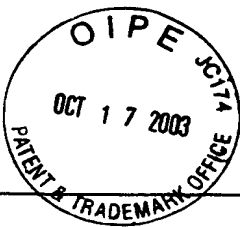
U.S. PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA1	4,690,915	09/01/1987	Rosenberg			08/08/1985
	AB1	5,166,057	11/24/1992	Palese et al.			05/22/1990
	AC1	5,494,807	02/27/1996	Paoletti et al.			08/12/1993
	AD1	5,530,096	06/25/1996	Wölfel et al.			02/28/1994
	AE1	5,578,473	11/26/1996	Palese et al.			03/10/1994
	AF1	5,804,382	09/08/1998	Sytkowski et al.			05/10/1996
	AG1	5,843,648	12/01/1998	Robbins et al.			01/10/1995
	AH1	5,866,383	02/02/1999	Moss et al.			08/26/1992
	AI1	5,874,560	02/23/1999	Kawakami et al.			04/22/1994
	AJ1	2002/0018785 A1	02/14/2002	Zauderer			04/02/2001
	AK1	2003/0022157 A1	01/30/2003	Zauderer et al.			03/28/2001

FOREIGN PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL1	WO 95/33835 A1	12/14/1995	WIPO			Yes No
	AM1	WO 97/24438 A1	07/10/1997	WIPO			Yes No
	AN1	WO 97/26328 A1	07/24/1997	WIPO			Yes No
	AO1	WO 97/34143 A1	09/18/1997	WIPO			Yes No
	AP						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)			
AR	<u>1</u>	Aota, S-i., et al., "Nucleotide sequence and molecular evolution of mouse retrovirus-like IAP elements," Gene 56:1-12, Elsevier Science Publishers B.V. (1987)	
AS	<u>1</u>	Bennink, J.R., and Yewdell, J.W., "Recombinant Vaccinia Viruses as Vectors for Studying T Lymphocyte Specificity and Function," Curr. Top. Microbiol. Immunol. 163:153-184, Springer-Verlag (1990)	
AT	<u>1</u>	Boël, P., et al., "BAGE: a New Gene Encoding an Antigen Recognized on Human Melanomas by Cytolytic T Lymphocytes," Immunity 2:167-175, Cell Press (1995)	

EXAMINER	DATE CONSIDERED
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.



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	AM						Yes No
	AN						Yes No
	AO						Yes No
	AP						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)			
AR	<u>2</u>	Brichard, V., et al., "The Tyrosinase Gene Codes for an Antigen Recognized by Autologous Cytolytic T Lymphocytes on HLA-A2 Melanomas," <i>J. Exp. Med.</i> 178:489-495, Rockefeller University Press (1993)	
AS	<u>2</u>	de Bergeyck, V., et al., "An intracisternal A-particle sequence codes for an antigen recognized by syngeneic cytolytic T lymphocytes on a mouse spontaneous leukemia," <i>Eur. J. Immunol.</i> 24:2203-2212, VCH Verlagsgesellschaft mbH (1994)	
AT	<u>2</u>	Huang, A.Y.C., et al., "Role of Bone Marrow-Derived Cells in Presenting MHC Class I-Restricted Tumor Antigens," <i>Science</i> 264:961-965, American Association for the Advancement of Science (1994)	

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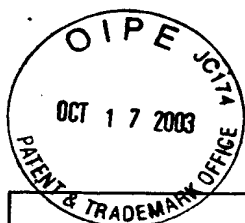
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	AP						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)			
AR	<u>3</u>	Inaba, K., et al., "Dendritic Cell Progenitors Phagocytose Particulates, Including Bacillus Calmette-Guerin Organisms, and Sensitize Mice to Mycobacterial Antigens In Vivo," <i>J. Exp. Med.</i> 178:479-488, Rockefeller University Press (1993)	
AS	<u>3</u>	Inaba, K., et al., "Generation of Large Numbers of Dendritic Cells from Mouse Bone Marrow Cultures Supplemented with Granulocyte/Macrophage Colony-stimulating Factor," <i>J. Exp. Med.</i> 176:1693-1702, Rockefeller University Press (1992)	
AT	<u>3</u>	Janeway, Jr., C.A., and Travers, P., "The generation of T-cell ligands," and "The two classes of MHC molecule have distinct subunit structure but a similar three-dimensional structure," in <i>Immunobiology. The Immune System in Health and Disease</i> , Robertson, M. et al., eds., Current Biology, Ltd./Garland Publishing, Inc., pp.4:2-4:5 (1994)	

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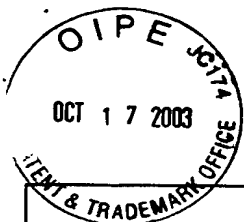
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	AL						Yes No
	AM						Yes No
	AN						Yes No
	AO						Yes No
	AP						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)			
	AR	<u>4</u>	Kawakami, Y., et al., "Cloning of the gene coding for a shared human melanoma antigen recognized by autologous T cells infiltrating into tumor," <i>Proc. Natl. Acad. Sci. USA</i> 91:3515-3519, National Academy of Sciences (1994)
	AS	<u>4</u>	Kitts, P.A., et al., "Linearization of baculovirus DNA enhances the recovery of recombinant virus expression vectors," <i>Nucleic Acids Res.</i> 18:5667-5672, IRL Press (1990)
	AT	<u>4</u>	Kitts, P.A., and Possee, R.D., "A Method for Producing Recombinant Baculovirus Expression Vectors at High Frequency," <i>Biotechniques</i> 14:810-812, 814, and 816-817, Eaton Publishing Company (1993)

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	AN						Yes No
	AO						Yes No
	AP						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR	<u>5</u>	Kuff, E.L., and Lueders, K.K., "The Intracisternal A-Particle Gene Family: Structure and Functional Aspects," <i>Adv. Cancer Res.</i> 51:183-276, Academic Press, Inc. (1988)
	AS	<u>5</u>	LaFace, D.M., et al., "Human CD8 Transgene Regulation of HLA Recognition by Murine T Cells," <i>J. Exp. Med.</i> 182:1315-1325, Rockefeller University Press (1995)
	AT	<u>5</u>	Liang, P., and Pardee, A.B., "Differential Display of Eukaryotic Messenger RNA by Means of the Polymerase Chain Reaction," <i>Science</i> 257:967-971, American Association for the Advancement of Science (1992)

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	AM						Yes No
	AN						Yes No
	AO						Yes No
	AP						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)			
	AR	<u>6</u>	Lisitsyn, N., et al., "Cloning the Differences Between Two Complex Genomes," <i>Science</i> 259:946-951, American Association for the Advancement of Science (1993)
	AS	<u>6</u>	Mackett, M., et al., "Vaccinia virus: A selectable eukaryotic cloning and expression vector," <i>Proc. Natl. Acad. Sci. USA</i> 79:7415-7419, National Academy of Sciences (1982)
	AT	<u>6</u>	Mackett M., et al., "General Method for Production and Selection of Infectious Vaccinia Virus Recombinants Expressing Foreign Genes," <i>J. Virol.</i> 49:857-864, American Society for Microbiology (1984)

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	AL						Yes No
	AM						Yes No
	AN						Yes No
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	AP						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

AR	7	Merchlinsky, M., and Moss, B., "Introduction of Foreign DNA into the Vaccinia Virus Genome by in Vitro Ligation: Recombination-Independent Selectable Cloning Vectors," <i>Virology</i> 190:522-526, Academic Press, Inc. (1992)
AS	7	Merchlinsky, M., et al., "Construction and Characterization of Vaccinia Direct Ligation Vectors," <i>Virology</i> 238:444-451, Academic Press, Inc. (November 1997)
AT	7	Meyer H., et al., "Mapping of deletions in the genome of the highly attenuated vaccinia virus MVA and their influence on virulence," <i>J. Gen. Virol.</i> 72:1031-1038, Society for General Microbiology (1991)

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OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR	8	Miyake, S., et al., "Efficient generation of recombinant adenoviruses using adenovirus DNA-terminal protein complex and a cosmid bearing the full-length virus genome," <i>Proc. Natl. Acad. Sci. USA</i> 93:1320-1324, National Academy of Sciences (February 1996)
	AS	8	Moss, B., "Vaccinia Virus: A Tool for Research and Vaccine Development," <i>Science</i> 252:1662-1667, American Association for the Advancement of Science (1991)
	AT	8	Palese, P., et al., "Negative-strand RNA viruses: Genetic engineering and applications," <i>Proc. Natl. Acad. Sci. USA</i> 93:11354-11358, National Academy of Sciences (October 1996)

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	AL						Yes No
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OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR	9	Panicali, D., and Paoletti, E., "Construction of poxviruses as cloning vectors: Insertion of the thymidine kinase gene from herpes simplex virus into the DNA of infectious vaccinia virus," <i>Proc . Natl. Acad. Sci. USA</i> 79:4927-4931, National Academy of Sciences (1982)
	AS	9	Pfleiderer, M., et al., "A novel vaccina virus expression system allowing construction of recombinants without the need for selection markers, plasmids and bacterial hosts," <i>J. Gen. Virol.</i> 76:2957-2962, Society for General Microbiology (1995)
	AT	9	Quill, H., "Anergy as a Mechanism of Peripheral T Cell Tolerance," <i>J. Immunol.</i> 156:1325-1327, American Association of Immunologists (February 1996)

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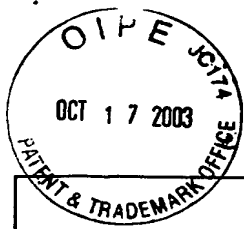
OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR	<u>10</u>	Ralph, D., et al., "RNA fingerprinting using arbitrarily primed PCR identifies differently regulated RNAs in milk lung (MylLu) cells growth arrested by transforming growth factor β 1," <i>Proc. Natl. Acad. Sci. USA</i> 90:10710-10714, National Academy of Sciences (1993)
	AS	<u>10</u>	Sahasrabudhe, D.M., et al., "Shared T Cell-Defined Antigens on Independently Derived Tumors," <i>J. Immunol.</i> 151:6302-6310, American Association of Immunologists (1993)
	AT	<u>10</u>	Sambrook, J., et al., "Identification of cDNA clones of interest," in <i>Molecular Cloning. A Laboratory Manual</i> , 2 nd ed., Sambrook, J., et al., eds., Cold Spring Harbor Laboratory Press, Plainview, NY, pp.8.46-8.52 (1989)

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OTHER (Including Author, Title, Date, Pertinent Pages, etc.)			
	AR	<u>11</u>	Scheiflinger, F., et al., "Construction of chimeric vaccinia viruses by molecular cloning and packaging," <i>Proc. Natl. Acad. Sci. USA</i> 89:9977-9981, National Academy of Sciences (1992)
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	AT	<u>11</u>	Sidney, J., et al., "Practical, biochemical and evolutionary implications of the discovery of HLA class I supermotifs," <i>Immunol. Today</i> 17:261-266, Elsevier Science, Ltd. (June 1996)

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FORM PTO-1449

INFORMATION DISCLOSURE STATEMENTATTY. DOCKET NO.
1821.0010002/EKS/HCCAPPLICATION NO.
10/034,350APPLICANT
Zauderer, M.FILING DATE
January 3, 2002GROUP
1644**U.S. PATENT DOCUMENTS**

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	AL						Yes No
	AM						Yes No
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	AR	<u>12</u>	Takahashi, H., et al., "Induction of CD8 ⁺ cytotoxic T cells by immunization with purified HIV-1 envelope protein in ISCOMs," <i>Nature</i> 344:873-875, Macmillan Journals Ltd. (1990)
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	AR	<u>13</u>	Van den Eynde, B., et al. "A New Family of Genes Coding for an Antigen Recognized by Autologous Cytolytic T Lymphocytes on a Human Melanoma," <i>J. Exp. Med.</i> 182:689-698, Rockefeller University Press (1995)
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	AR	<u>14</u>	Welsh, J., et al., "Arbitrarily primed PCR fingerprinting of RNA," <i>Nucleic Acids Res.</i> 20:4965-4970, Oxford University Press (1992)
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	APPLICANT Zauderer, M.	
	FILING DATE January 3, 2002	GROUP 1644

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